

03 OCT -5 PM 4: 36
PATENT
ATTORNEY DOCKET NO: 43826-9
(Formerly 22253-68902)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of :
Alan Gewirtz :
Serial No.: 09/993,183 : Group Art Unit:
1635
Filed: November 14, 2001 : Examiner:
Karen A. Lacourciere
For: POST TRANSCRIPTIONAL GENE :
SILENCING BY RNAi IN MAMMALIAN :
CELLS :

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Via Hand Delivery

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, submitted herewith are copies of the references listed in the accompanying Form PTO-1449.

The Examiner is respectfully requested to review the items listed on the attached form and make them of record in the instant application as required by M.P.E.P. §609. It is requested that the Examiner initial the enclosed duplicate Form 1449, and return one copy to the undersigned.

The applicants have attached the three priority documents for Tuschl et al. US 2002/0086356 ("Tuschl 1"; Ref. AB). These priority documents are as follows:

US 60/193,594 filed March 30, 2000

EP 00126325.0 filed December 1, 2000

US 60/256,232 filed January 31, 2001

None of these priority applications contains cell culture data; only *Drosophila* cell lysate data are presented. Cell culture data first appear in Tuschl 1 only as of its March 30, 2001 filing date. **The present application shows RNA interference in human cancer cells as of its November 14, 2000 priority date.**

The applicants have attached the three priority documents for Tuschl et al. WO 02/44321 ("Tuschl 2"; Ref. AI). These priority documents are as follows:

EP 00126325.0 filed December 1, 2000¹

US 60/279,661 filed March 30, 2001

WO 01/75164 filed March 30, 2001²

The November 14, 2000 priority date of the present application is before the earliest priority date claimed in Tuschl 2. The earliest date on which cell culture data appear in Tuschl 2 is in the WO 01/75164 priority document, filed March 30, 2001. As stated above, **the present application shows RNA interference in human cancer cells as of its November 14, 2000 priority date.**

US 2002/0162126 ("Beach et al."; Ref. AD), which was filed on May 24, 2001, is a CIP of WO 01/68836 (Ref. AG). Ref. AG shows only *in vitro* RNAi in insect systems and mammalian cell extracts. Mammalian cell culture data first appear in Beach et al. only as of its May 24, 2001 filing date. As stated above, **the present application shows RNA interference in human cancer cells as of its November 14, 2000 priority date.**

¹ This application was also claimed as a priority document in Tuschl 1. Only one copy of this document is provided.

² This application is the PCT equivalent of Tuschl 1. This PCT application is listed as Reference AH on the attached PTO form 1449.

This Statement is being submitted before receipt of any office action on the merits. Thus, no fee is due for the filing of this paper. However, if a fee is due, please charge deposit account 50-0573.

Respectfully submitted,

BY 

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SUBSTITUTE FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE SUPPLEMENTAL INFORMATION DISCLOSURE CITATION	ATTY. DOCKET NO. 43826-9	SERIAL NO. 09/993,183
	APPLICANT: Alan Gewirtz	
	FILING DATE Nov. 14, 2001	GROUP 1635

U.S. PATENT DOCUMENTS

EXR. INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	AA	5,506,559	01/14/03	Fire et al.	435	6	12/18/98
	AB	2002/0086356	07/04/02	Tuschl et al.	435	69.1	03/30/01
	AC	2002/0114784	08/22/02	Li et al.	424	93.2	
	AD	2002/0162126	10/31/02	Beach et al.	800	8	
	AE						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	NO
	AF	CA 2,359,180	08/03/00	CA				
	AG	WO 01/68836	03/16/01	WO				
	AH	WO 01/75164	03/30/01	WO				
	AI	WO 02/44321	11/29/01	WO				

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

AJ	
AK	
AL	
AM	
AN	
AO	
EXAMINER _____ DATE CONSIDERED _____	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	